

COUNTY GOVERNMENT AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Darin G. Peterson

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill modifies provisions relating to counties.

Highlighted Provisions:

This bill:

- ▶ modifies provisions relating to a county legislative body's appointment of an attorney to represent the county legislative body;
- ▶ clarifies the form of government under which a county must be operating in order for the county executive in that county to appoint an attorney to represent the county executive;
- ▶ expands the scope of representation of an attorney appointed by a county legislative body to represent the county legislative body;
- ▶ provides that an attorney appointed by a county legislative body to represent the county legislative body serves at the pleasure of the county legislative body and may not perform county or district attorney functions, with exceptions; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-15-27, as last amended by Chapter 185, Laws of Utah 2002

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-15-27** is amended to read:

17-15-27. Appointment of legal counsel by county executive and county legislative body.

(1) (a) An elected county executive in a county that has adopted ~~[an optional]~~ a county executive-council form of county government under Chapter 52, Changing Forms of County Government, may appoint an attorney to advise and represent the county executive.

(b) An attorney appointed under Subsection (1)(a):

(i) serves at the pleasure of the county executive; and

(ii) may not perform any of the functions of a county attorney or district attorney under this title, except as provided in this section.

(c) An attorney appointed under this Subsection (1) may represent the county executive in cases and controversies before courts and administrative agencies and tribunals when a conflict exists that precludes the county or district attorney from representing the county executive.

(2) ~~[A county]~~ (a) The legislative body of a county that has adopted a county executive-council form of county government under Chapter 52, Changing Forms of County Government, may appoint an attorney to advise and represent the county legislative body [when a conflict exists that precludes the county or district attorney from representing the county legislative body].

(b) An attorney appointed under Subsection (2)(a):

(i) serves at the pleasure of the county legislative body; and

(ii) may not perform any of the functions of a county attorney or district attorney under this title, except as provided in this section.

(c) An attorney appointed under this Subsection (2) may represent the county legislative body in cases and controversies before courts and administrative agencies and tribunals when a conflict exists that precludes the county or district attorney from representing

58 the county legislative body.